

# PUBLIC NOTICE

**US Army Corps  
of Engineers®**

NOTICE OF AVAILABILITY FOR  
A FINAL EIS/EIR

*LOS ANGELES DISTRICT*

**Public Notice/Application No.:** 2003-01142-SDM

**Review Period:** November 23, 2007 through December 31, 2007

**Project Manager:** Spencer D. MacNeil, D.Env. (805) 585-2152 [spencer.d.macneil@usace.army.mil](mailto:spencer.d.macneil@usace.army.mil)

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**Applicant**

Port of Los Angeles  
Antonio V. Gioiello, Chief Harbor Engineer  
P.O. 151  
San Pedro, California 90733-0151

**Contact**

Port of Los Angeles  
Environmental Management Division  
Dr. Ralph G. Appy  
(310) 732-3497

**Location**

The proposed project is located in the West Basin of the Port of Los Angeles, Los Angeles County, California (at: latitude: 33°-45'-54" longitude: -118°-16'-15.6").

**Activity**

The applicant proposes to permanently impact approximately 10 acres and temporarily impact approximately 20 acres of open water during various dredge and fill activities associated with expanding the existing container terminal at Berths 136-147 [TraPac] in the northern and eastern portions of the West Basin of the Port of Los Angeles. For more activity information see page 4 of this notice.

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Interested parties are hereby reminded that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings (the June 29, 2007 Army Corps of Engineers-Port of Los Angeles public notice for this project first notified the public that, among other things, an application for a Department of the Army permit had been received). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision.

This permit will be issued or denied under Section 10 of the River and Harbor Act of March 3, 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344), and potentially, Section 103 of the Marine Protection, Research, and Sanctuaries Act. Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division  
ATTN: CESPL-RG-N-2003-01142-SDM  
P.O. Box 532711  
Los Angeles, California 90053-2325

Alternatively, questions or comments can be sent electronically to: [spencer.d.macneil@usace.army.mil](mailto:spencer.d.macneil@usace.army.mil)

## **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, because the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the USEPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. In this case, comments are used in the preparation of an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

## **Preliminary Review of Selected Factors**

**EIS Determination**- A determination has been made that an Environmental Impact Statement (EIS) is required for the proposed work in waters of the United States. The Draft EIS/EIR for the proposed Berths 136-147 [TraPac] Container Terminal Project was circulated for public comment on June 29, 2007, and comments on this document were accepted until September 26, 2007. A public hearing was held at Banning's Landing Community Center on July 31, 2007 to give additional opportunity for the public to comment on the Draft EIS/EIR for this project.

A Notice of Availability for the Final EIS/EIR is also being published in the Federal Register. The Draft EIS/EIR and Final EIS/EIR for this project, which address several potentially significant issues, such as impacts to air quality, traffic, biological resources, water quality, and environmental justice, can be found on the Port of Los Angeles website (<http://www.portoflosangeles.org>).

**Water Quality**- The applicant is required to obtain water quality certification under Section 401 of the Clean Water Act from the Los Angeles Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

**Coastal Zone Management**- The applicant has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. The District Engineer hereby requests the California Coastal Commission's concurrence or nonconcurrence.

**Cultural Resources**- The latest version of the National Register of Historic Places has been consulted and this site is not listed. Furthermore, the Draft EIS/EIR for the proposed Berths 136-147 [TraPac] Container Terminal Project did not identify any cultural resources that would be affected by the proposed project. More specifically, no known archaeological sites are recorded within the project area, and no evidence of prehistoric or historic archaeological material was identified during previous cultural resource site record and literature

searches and archaeological survey. Due to the extensive nature of previous ground disturbances within the project area and the substantial depths to which the soils have been disturbed, it is highly unlikely that any unknown, intact archaeological deposits exist within soils in the project area. Therefore, it is reasonable to assume that the potential for project construction to encounter unknown, sub-surface archaeological deposits would be extremely remote. As the potential for damaging unknown prehistoric remains is extremely remote, potential impacts on ethnographic resources considered significant to contemporary Native Americans are also not reasonably expected. Nevertheless, the Native American Heritage Commission [NAHC] was contacted about the proposed project. The NAHC's record search of its Sacred Lands File (SLF) failed to indicate the presence of Native American cultural resources in the immediate project area. The NAHC also provided a list of tribal contacts, representing the Gabrielino/Tongva, who have been contacted to solicit information they might have about cultural resources in the area. Based on the latest information, the Corps has made a preliminary determination that the proposed project would have no effect on cultural resources listed or eligible for listing on the National Register of Historic Places. If we do not receive a written response to the contrary from the State Historic Preservation Office during the public notice review period, we will presume that agency concurs with our preliminary no effect determination.

**Endangered Species-** The California least tern (*Sterna antillarum browni*) and the California brown pelican (*Pelecanus occidentalis californicus*) have been infrequently observed in the vicinity of the proposed project. Based on detailed biological information in the Draft EIS/EIR for the Berths 136-147 [TraPac] Container Terminal Project, preliminary determinations are that the proposed activity would not affect these or other federally listed endangered or threatened species, or their critical habitat. Neither species breeds in the West Basin, nor is important foraging habitat present in the Inner Harbor, which includes the West Basin and project area. Any California least tern or California brown pelican in the vicinity during work activities would be able to use alternative foraging sites in the West Basin or higher quality habitat elsewhere in the Harbor. Nevertheless, because the proposed 10-acre fill would not occur until 2015 or later, the Corps would require the applicant, if the open-water fill were authorized, to conduct a biological survey for federally listed species within 6 months of commencing that activity. Based on the results of the survey, the Corps would coordinate or consult with the U.S. Fish and Wildlife Service to ensure full compliance with the Endangered Species Act.

**Essential Fish Habitat-** In accordance with the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act, an assessment of Essential Fish Habitat (EFH) was prepared. The proposed project would be located within an area designated as EFH for two Fishery Management Plans (FMP): Coastal Pelagics Plan; and Pacific Coast Groundfish Management Plan. One of the five species in the Coastal Pelagics FMP, northern anchovy, is well represented in the proposed project area, with both adults and larvae present. Pacific sardine is also present. Both species support a commercial bait fishery in the Outer Harbor of the Port. Adult jack mackerels are common and likely prey upon northern anchovy in the West Basin. Adult Pacific mackerel are uncommon in the West Basin with only one collected in a year's sampling. None of the seven Pacific Groundfish FMP species found in the Inner Harbor is common, and only one, English sole, has been reported in recent surveys of the West Basin.

The June 29, 2007 joint public notice of the application for a Corps permit, availability of the Draft EIS/EIR, and notice of the July 31, 2007 public hearing initiated EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed activities would permanently and temporarily impact areas designated as EFH through dredging, wharf retrofits and new construction, other fills, and potential disposal actions at LA-2 or LA-3 or other approved sites within the harbor should they become available. While many of the impacts would be short-term and not adverse as confirmed by the National Marine Fisheries Service in a September 25, 2007 letter, the proposed project would permanently fill open water in the Northwest Slip (approximately 10 acres). The POLA has developed, and continues to develop as needed, mitigation projects to provide mitigation credits for impacts of development in Los Angeles Harbor to marine biological resources, in coordination with National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the California Department of Fish and Game through agreed-upon mitigation policies (USACE and LAHD

1992). For this project, the POLA proposes to fully mitigate marine habitat loss by using equivalent credits available through the Bolsa Chica Mitigation Agreement/Bank or the Outer Harbor Mitigation Bank. Overall, in consideration of the proposed mitigation, the proposed activity may adversely affect but would not have a substantial adverse impact on EFH or federally managed fisheries in California waters. The Corps is currently considering additional information from the applicant supporting the 10-acre fill as a necessary project component. The Corps will continue to consult with the National Marine Fisheries Service during the EIS/EIR process to come to a final EFH determination.

**Public Hearing-** A public hearing was conducted on July 31, 2007 from 6:00-8:30 PM at Banning's Landing Community Center in Wilmington, to accept comments on the adequacy of the Berths 136-147 [TraPac] Container Terminal Project Draft EIS/EIR (40 CFR Part 1506.6), as well as to acquire information or evidence, which will be considered in evaluating the proposed permit action pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the River and Harbor Act (RHA), and potentially, Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA) (33 CFR Part 327.3). This is in addition to a public scoping meeting held for the proposed project on November 5, 2003 (Wilmington Recreation Center) and another public meeting held on April 26, 2006 (Banning's Landing Community Center); with comments received from those meetings also addressed in the DEIS/EIR. No additional public hearings are scheduled for the proposed project.

### **Proposed Activity for Which a Permit is Required**

The applicant proposes to permanently impact approximately 10 acres and temporarily impact approximately 20 acres of waters of the United States during the expansion of the existing container terminal at Berths 136-147 [TraPac]. Authorization is required pursuant to CWA Section 404 and RHA Section 10 to expand and modernize the container terminal at Berths 136-147 [TraPac], including several water-associated activities: dredging 295,000 cubic yards to match the adjacent basin/channel depth (-53 MLLW) and to complete wharf seismic retrofits; renovating 2,900 feet of existing wharf; constructing 705 feet of new wharf; filling 10 acres of open water in the Northwest Slip to construct additional backlands facilities; and constructing a new 400-foot wharf along the edge of the 10-acre fill. Authorization would also be required to dispose of the dredged material at in-water locations in the Port of Los Angeles and/or Port of Long Beach. Moreover, the Port of Los Angeles is considering transporting and discharging at designated ocean disposal sites, such as LA-2 or LA-3, excess clean material generated by the dredging activities, which would require authorization pursuant to MPRA Section 103.

More details on all the project components, including those exclusively in the upland areas, are provided in the following section, as well as in the Draft and Final EIS/EIR for this project, which are posted on the Port of Los Angeles website (<http://www.portoflosangeles.org>).

### **Additional Project Information**

**Project Elements:** The proposed project is to expand and modernize the container terminal at Berths 136-147, upgrade existing wharf facilities, and install a landscaped buffer between the terminal and the community. The proposed project includes a 30-year lease and would involve two phases of construction (Phase I: 2008-2015, Phase II: 2015-2025). Most of the proposed improvements would occur on 176 acres currently used as a container terminal operated by TraPac, but the proposed Project includes adding a total of 67 acres to the new terminal, 57 in Phase I and 10 in Phase II. The 57 acres added in Phase I is largely existing industrial zoned land within the proposed project area. The 10 acres added in Phase II is currently open water.

In 2003, the existing terminal handled 891,976 20-foot equivalent units (TEUs) of containerized cargo, and had 246 vessel calls. At full operation, expected to occur by 2025, the proposed terminal would handle approximately 2.4 million TEUs per year, which would be approximately 700,000 more than the terminal would be able to handle if no improvements were made. To accommodate the maximum annual throughput of 2,389,000 Million TEUs (in 2025), the terminal would receive 334 annual ship calls. In addition, a total of 5,152 daily truck trips and up to 1,434 annual round trip rail movements would be required. Major elements of the proposed project include the following:

- Expanding, redeveloping, and constructing container terminal facilities and a new on-dock rail facility;
- Constructing 500 space parking lot for union workers;
- Wharf work including: dredging 295,000 cubic yards (cy), renovating 2,900 feet of existing wharf, and constructing 705 feet of new wharf;
- Installing five new gantry cranes to replace six existing gantry cranes;
- Relocating the existing PHL Pier A switcher yard to Rear Berth 200;
- In Phase II, filling the 10-acre Northwest Slip, constructing backlands facilities on the fill, and constructing a new 400-foot wharf along the edge of the fill; and,
- Widening Harry Bridges Boulevard and constructing a new 30-acre landscaped buffer area between “C” Street and Harry Bridges Boulevard.

**Wharf work:** Approximately 265,000 cubic yards (cy) of sediments would be dredged to support construction of the wharves at Berths 145-147 and to deepen the waters adjacent to Berths 144-147 to match the planned -53 foot channel depth. An additional 30,000 cy of sediments would be dredged for the wharf seismic retrofit improvements. A portion of the material is unsuitable for unconfined ocean disposal and thus would be placed in an approved confined disposal site(s) (CDF) at either the Port of Los Angeles or the Port of Long Beach, or at an appropriate upland site, such as the Anchorage Road Disposal Site or a site in the Port of Long Beach. Clean material would be considered for disposal at Port of Los Angeles/Long Beach disposal sites or at an EPA-approved ocean disposal site (LA-2 or LA-3).

**On-dock Rail Facility:** The terminal currently does not have an on-dock rail facility. The proposed project includes constructing a new on-dock rail yard located where the Pacific Harbor Line’s (PHL) Pier A rail yard is presently located. The rail yard would require approximately 10 acres of land and would consist of a container staging area and six working tracks totaling approximately 16,200 feet. The rail yard would connect via lead tracks to the Alameda Corridor. The PHL Pier A rail yard would be relocated to a 70-acre area northeast of the existing terminal, between the Consolidated Slip and Alameda Street, which is currently being used as a rail transfer facility.

**Harry Bridges Boulevard and the Harry Bridges Buffer Area:** As part of the proposed project, Harry Bridges Boulevard would be widened from its current width of 50 feet to 84 feet between Figueroa Street and Alameda Street, and a 30-acre buffer area would be constructed between Harry Bridges Boulevard and “C” Street, from Figueroa Street to Lagoon Avenue, on vacant, Port-owned property.

### **Proposed Special Conditions**

The proposed permit would include all the standard conditions for the dredging and disposal of sediments in confined fill areas that have been coordinated with USEPA in the past and the standard Section 10 conditions. If the proposed project ultimately includes transport and ocean disposal of dredged material, this activity would be coordinated with USEPA and the Contaminated Sediment Task Force and evaluated pursuant to Section 103 of the MPRSA. If any activities authorized include future (2015 or later) permanent fill in the Northwest Slip, the applicant would be required to conduct a biological survey of federally listed species in the

vicinity of the project, with the results provided to the Corps and U.S. Fish and Wildlife Service. Based on the results of the survey, the Corps would coordinate or consult with the U.S. Fish and Wildlife Service to ensure full compliance with the Endangered Species Act.

For additional information please call Dr. Spencer D. MacNeil of my staff at (805) 585-2152. This public notice is issued by the Chief, Regulatory Division.



**Figure 1: Project Vicinity**

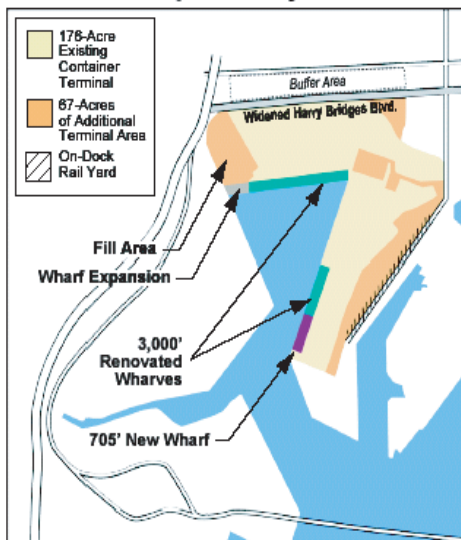


# Alternatives

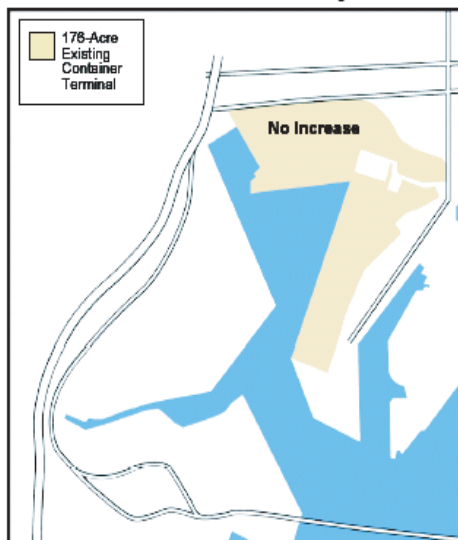
## Berth 136-147 [TraPac] Container Terminal Project

	<i>Terminal Acres</i>	<i>Annual Ship Calls</i>	<i>Annual TEUs (in millions)</i>	<i>New Wharves (linear feet)</i>
Proposed Project	243	334	2.389	1,105
Alternative 1: No Project	176	250	1.697	0
Alternative 2: Project Without the 10-Acre Fill	233	334	2.389	705
Alternative 3: Reduced Wharf	233	300	2.035	0
Alternative 4: Omni Terminal	202	83	0.566	0
Alternative 5+ Landside Improvements	233	250	1.697	0

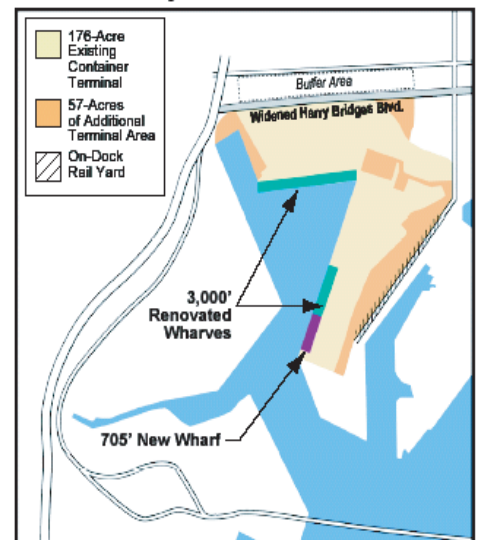
**Proposed Project**



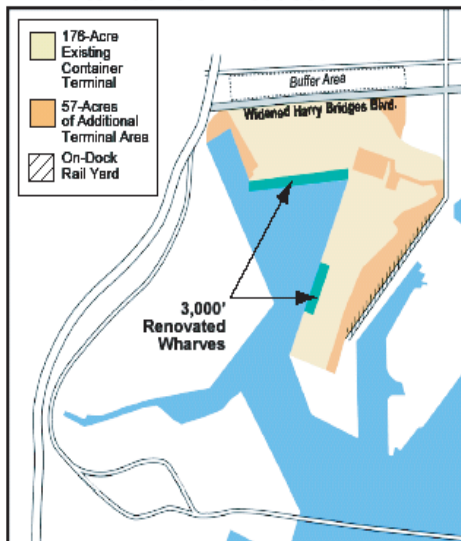
**Alternative 1 – No Project**



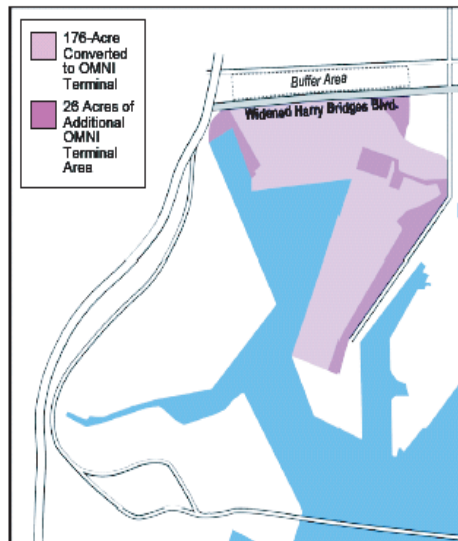
**Alt. 2 – Project without 10-acre Fill**



**Alternative 3 – Reduced Wharf**



**Alternative 4 – OMNI Terminal**



**Alt. 5 – Landside Terminal Improvements**

